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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,634	10/01/2003	Luis M. Gomes	5150-82801	7873
Jeffrey C. Hood Meyertons, Hood, Kivlin, Kowert & Goetzel PC P.O. Box 398 Austin, TX 78767				
EXAMINER AUGUSTINE, NICHOLAS				
ART UNIT 2179				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/676,634

Applicant(s)

GOMES ET AL.

Examiner

NICHOLAS AUGUSTINE

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 6-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- A. This action is in response to the following communications: Amendment filed: 12/09/2008. This action is made **Final**.
- B. Claims 1 and 6-23 remain pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1 and 6-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deutscher et al. (2004/0001106), herein referred to as Deutscher in view of Hampapuram et al. (US 2004/0221262 A1), herein referred to as Hampapuram.

As for independent claims 1,18-21, Deutscher teaches a memory medium which stores program instructions implementing a graphical user interface (GUI) for a program and corresponding method and system for debugging a program, wherein, during execution of the program, the program instructions are executable by a processor to perform: displaying source code for the program on a display during execution of the program, wherein the executing program was compiled from the source code (par.137, 155, 200-201; figures 13,17 and 26B; wherein depicted in figure 17 is the displaying of program code in the pop-up window during program execution); receiving first user input hovering a mouse cursor over an expression in the source code during execution of the program (par. 180, 183 (a hover event is initiated to present a pop-up window; and par. 200-201); in response to said hovering the mouse cursor over the expression, displaying a GUI element proximate to the expression, wherein the GUI element includes a value of the expression; receiving second user input to the GUI element modifying the displayed value, thereby specifying a new value for the expression; and setting the expression in the program to the new value in response to the second user input, wherein the program continues execution in accordance with the new value of the expression (paragraph 143; wherein Deutscher explains how the user can double click

an expression in the browser to display a pop-up edit box in a proximate location to the mouse as depicted in figures 13 and 17.

Deutscher does not specifically make the connection of figure 13 and 24A pop-up windows that hovering with a mouse can be used for the pop-up window of figure 13 which is used for pop-up window 24A, only that Deutscher gives an example of a mouse interaction trait being that of "double clicking" for pop-up window in figure 13. It would have been obvious to one of ordinary skill in the art at the time of the invention was made in include the functionality of hovering a mouse over the expression as well as double clicking, this is true because hovering the mouse and double clicking the mouse are very well known common mouse events in computer programs and because *Deutscher gives only for example and does not limit the system to only double clicking event from the mouse* for the pop-up window in figure 13 gives probable cause for an obvious variant of any mouse events such as hovering featured in figure 24A. Deutscher also provides to the user the ability to use a standard hover maneuver to show a pop-up window (par.180, and figures 23-24C), although Deutscher is talking about a different pop-up window than shown in figure 13 the connection between the two pop-up windows (figure 13 and 24A) and the method of obtaining visual presentation of the two pop-up windows (double clicking and hovering respectively) one of ordinary skill in the art would make the determination that both figures 13 and 24A are pop-up windows as explained by Deutscher that use two different methods of presenting themselves, double clicking and hovering, and that figure 13 could be

displayed by the method used to present figure 24A and vice-versa, hence because they are both pop-up windows and using one mouse event or another available by Deutscher's system would yield the predictable result to have a user hover over an area of interest to present the pop-up window shown in figure 13. Furthermore Hampapuram teaches the user using a mouse to hover over an area of interest to display a pop-up window called a "tool tip" (400) in paragraph 44. Deutscher does not specifically teach that the user definable information is source code (programming language) from an executable program, however Hampapuram teaches the use of user definable information being that of source code from an executable program (par.7, 20 and 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Hampapuram into Deutscher, this is true because to one of ordinary skill in the art would recognize the program being used in the system of Deutscher does not have to be program specific for the functionality of a pop-up control and that the pop-up control could work in any program environment (e.g. debugger) and as suggested by Hampapuram to display the code in a variety of ways (see par. 9, tooltip, popup, pane, window, etc...). Thus the combination of Hampapuram into Deutscher would yield the predictable result of having a control pop-up window which is initiated by hovering with the mouse courser over an area of interest by the user in such that the user is able to input data into the pop-up window upon presentation of pop-up window by the system.

Deutscher does not specifically mention that the program being used in the system is a debugger program. However in the same field of endeavor Hampapuram teaches a debugging program for displaying source code for the program on a display during execution of the program (figure 3; paragraph 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Hampapuram into Deutscher, this is true because to one of ordinary skill in the art would recognize the program being used in the system of Deutscher does not have to be program specific for the functionality of a pop-up control and that the pop-up control could work in any program (e.g. debugger). Also Deutscher system is related to a debugger in the sense that it is a developer (author) software used for creating program presentations wherein the user can edit a program then preview, stop the preview, edit and preview again with this software (figure 11; paragraphs 137-140).

As for dependent claim 6, Deutscher teaches the memory medium of claim 1, wherein the GUI element is context sensitive (figure 17).

As for dependent claim 7, Deutscher teaches the memory medium of claim 6, wherein the GUI element comprises a control corresponding to a data type of the expression, and wherein the data type of the expression comprises at least one of: a string data type; a character data type; a numeric data type; a Boolean data type; and an array data type (figure 13 and 17).

As for dependent claim 8, Deutscher teaches the memory medium of claim 6, wherein the GUI element is operable to display the value of the expression in a specified format; wherein if the expression comprises integer data, the specified format comprises one or more of: decimal; hexadecimal; octal; binary; and ASCII; and wherein if the expression comprises single or double precision, the specified format comprises one or more of: floating point; and scientific notation (figure 8 and 17).

As for dependent claim 9, Deutscher teaches the memory medium of claim 8, wherein the specified format is specified via a second GUI element in the GUI (figure 17).

As for dependent claim 10, Deutscher teaches the memory medium of claim 1, wherein the GUI element comprises: a first portion, operable to display the value of the expression, wherein the first portion is further operable to receive the second user input modifying the value; and a second portion, operable to display non-editable information related to the expression (par.137, 155, 200-201; figures 13, 17 and 26B).

As for dependent claim 11, Deutscher teaches the memory medium of claim 10, wherein the second portion comprises a text indicator, operable to display text (figure 17).

As for dependent claim 12, Deutscher teaches the memory medium of claim 10, wherein the first portion is further operable to graphically indicate that the value is editable (figure 15).

As for dependent claim 13, Deutscher teaches the memory medium of claim 1, wherein the expression comprises a variable (figures 8, 13, 15 and 17).

As for dependent claim 14, Deutscher teaches the memory medium of claim 1, wherein the expression comprises a syntactic expression comprising one or more of: one or more variables; one or more constants; one or more macros; and one or more operators (figure 15 and 17).

As for dependent claim 15, Deutscher teaches the memory medium of claim 1, wherein the execution of the program is in debugging mode (note the analysis of claim 1; debugging program taught by Hampapuram).

As for dependent claim 16, Deutscher teaches the memory medium of claim 1, wherein the program instructions are further executable to perform: evaluating the expression to

determine the value of the expression (note the analysis of claim 1; debugging program taught by Hampapuram).

As for dependent claim 17, Deutscher teaches the memory medium of claim 1, wherein the program instructions are further executable to perform: dismissing the GUI element based on one or more of: third user input, indicating dismissal of the GUI element; and elapse of a specified time period (paragraph 143).

As for dependent claim 22, Deutscher teaches the memory medium of claim 21, wherein the window is substantially just large enough to display the value of the indicated expression (note the analysis of claim 1; debugging program taught by Hampapuram wherein Hampapuram depicts a tooltip).

As for dependent claim 23, Deutscher teaches the memory medium of claim 21, wherein the window is further operable to display the indicated expression, and wherein the program instructions are further executable to perform: displaying the indicated expression with the value in the window, wherein the window does not include visible boundaries demarcating the displayed expression and value, wherein the window is substantially just large enough to display the indicated expression and the value of the

indicated expression (note the analysis of claim 1; debugging program taught by Hampapuram wherein Hampapuram depicts a tooltip).

(Note :) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments filed 12/9/2008 have been fully considered but they are not persuasive.

After careful review of the current claim language (given the broadest interpretation) and the remarks provided by the Applicant along with the cited reference(s) the Examiner does not agree with the Applicant for at least the reasons provided below:

A1. Applicant argues that Deutscher's "script grid" is not the same as Applicant's "source code"; more specifically that the program was not compiled from the source code and then presented. Further Applicant argues that Deutscher does not teach the user receiving first user input during execution of the program.

R1. Examiner does not agree, each the script grid and source code performs the same functionality, wherein the Source code is read by the computer to perform the final outcome of the presentation. Script grid is read by the computer to perform the final

outcome of the presentation. Each may be written, composed and used differently but essentially they perform the same function to produce a same end result, further both script grid and source code are both computer instructions for performing desired entered task by the computer to output a desired result as defined by a user/ programmer. Further Deutscher provides that the script grid is partially made up of source code (par.137, 155 and 180; figure 13 and 17). Deutscher shows that the user can input into the popup window during execution of the program to edit the script grid (par. 200-201).

However to advanced prosecution the Examiner has provided in the 103 analysis how Deutscher does not specifically teach that the source code was not compiled code. Hampapuram is now relied upon to show that the combination of references has compiled source code wherein Deutscher is used to show the graphical user interface element used to edit a user definable set of information and wherein Hampapuram is relied upon to show the obvious variant that the user definable set of information can be compiled source code as shown by Hampapuram; Please see the claim analysis of claims 1 and 18-21.

A2. Applicant argues that Deutscher does not teach receiving first user input hovering a mouse cursor over an expression in the source code during execution of the program; nor in response to said hovering the mouse cursor over the expression, automatically displaying a GUI element proximate to the expression, wherein the GUI element includes a value of the expression, as recited in claim 1.

R2. Examiner does not agree, these specific limitations are mentioned Deutscher and Hampapuram both teach “the user can hover with the mouse over an area of interest in a graphical user interface to display a pop-up window” singly and in combination. Hampapuram was used to cure the deficiency of how Deutscher does not disclose a debugger and source code, in which Deutscher system is open to have its control methods work for any program like a debugger having source code associated with it as taught by Hampapuram. As discussed above in the claim language rejection Deutscher describes how the user is able to interact and bring up a graphical user interface element for editing user definable information.

A3. Applicant argues that Deutscher and Hampapuram does not teach receiving second user input to the GUI element modifying the displayed value, thereby specifying a new value for the expression; and setting the expression in the program to the new value in response to the second user input, wherein the program continues execution in accordance with the new value of the expression, as recited in claim 1.

R3. Examiner does not agree, Deutscher directly describes displaying a value wherein the user is able to modify with the tool provided; Upon the user completing the edited changes the user is able to execute the current document that was edit to see the changes (par.137, 155, 200-201; figures 13,17 and 26B).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056 and fax is 571-270-2056. The examiner can normally be reached on Monday - Friday: 9:30am- 5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven B Theriault/
Primary Examiner, Art Unit 2179

/Nicholas Augustine/
Examiner
Art Unit 2179
April 3, 2009